

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 18, 2006

Division: Emergency Services

Bulk Item: Yes X No _____

Department: Fire Rescue

Staff Contact Person: Darice Hayes

AGENDA ITEM WORDING: Approval of a Memorandum of Understanding (MOU) for Expenditure of Local Government Unit Funding for Florida Type II Technical Rescue Resource (Light Technical Rescue Team) from 2005 Domestic Preparedness Grant State Homeland Security Grant Program between the Florida Department of Financial Services, Division of State Fire Marshal (SFM), and Monroe County BOCC for its Fire Rescue Department. Funds are to be used for planning, equipment, training, exercise and management, administrative purchases, and activities in Domestic Preparedness.

ITEM BACKGROUND: The State of Florida is vulnerable to a wide array of disasters, which includes terrorist acts. The 2005 Homeland Security Grant Program ("SHSGP") is a portion of the 2005 Domestic Preparedness Grant and provides funds to enhance the capability of State and Local Government units to prevent, deter, respond to, and recover from incidents of terrorism. The 2005 Domestic Preparedness Grant guidelines require that, if the State disburses a portion of grant funds to a Local Government, the State must enter into an MOU with the Local Government specifying the amount of funds to be disbursed. The "SHSGP" funds are to be used to meet prioritized needs to enhance and refine preparedness efforts. In view of the foregoing, the Department of Financial Services, SFM in its administration of the 2005 "SHSGP" grant funds will disburse funds in the amount of no less than \$10,830.62 to Monroe County BOCC for its Fire Rescue Department, for training in SFM approved NFPA 1670 Operational Level training courses.

PREVIOUS RELEVANT BOCC ACTION: None.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: \$.00

BUDGETED: Yes _____ No _____

COST TO COUNTY: \$.00

SOURCE OF FUNDS: Grant

REVENUE PRODUCING: Yes _____ No X **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty Yes OMB/Purchasing Yes Risk Management Yes

DIVISION DIRECTOR APPROVAL:

Arthur "Wally" Romero
Arthur "Wally" Romero, Acting Division Director

DOCUMENTATION: Included X Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

CONTRACT SUMMARY

Contract with: Florida Dept. of Financial Services, Div. of State Fire Marshal Contract # _____
 Effective Date: January 18, 2006
 Expiration Date: June 30, 2006

Contract Purpose/Description: Memorandum of Understanding between Florida Dept. of Financial Services, Div. of State Fire Marshal and MCBOCC for MCFR to receive grant funds to be used for planning, equipment, training, exercise and management, administrative purchases, and activities in Domestic Preparedness.

Contract Manager: Darice Hayes 6004 Fire Rescue / Stop #14
 (Name) (Ext.) (Department/Stop #)

for BOCC meeting on January 18, 2006 Agenda Deadline: January 03, 2006

CONTRACT COSTS

Total Dollar Value of Contract: \$0.00 Current Year Portion: \$ _____
 Budgeted? Yes ☐ No ☐ Account Codes: _____
 Grant: \$ See below* _____
 County Match: \$ _____

ADDITIONAL COSTS

Estimated Ongoing Costs: \$/yr _____ For: *Grant fund disbursement for no less than \$10,830.62 for Fire Rescue Dept. to train in State Fire Marshal approved NFPA 1670 Operational Level training courses.
 (Not included in dollar value above) (eg. maintenance, utilities, janitorial, salaries, etc.)

CONTRACT REVIEW

	Date In	Changes Needed	Reviewer	Date Out
Division Director	<u>12.29.05</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>H. Bouvier</u>	<u>12.29.05</u>
Risk Management	<u>12/22/05</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>M. Slemons</u>	<u>12-22-05</u>
O.M.B./Purchasing	<u>12/23/05</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>12/27/05</u>
County Attorney	<u>12/22/05</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>12/22/05</u>

Comments: _____

**MEMORANDUM OF UNDERSTANDING
FOR EXPENDITURE OF LOCAL GOVERNMENT UNIT FUNDING
FOR FLORIDA TYPE II TECHNICAL RESCUE RESOURCE
(LIGHT TECHNICAL RESCUE TEAM)
FROM 2005 DOMESTIC PREPAREDNESS GRANT STATE HOMELAND SECURITY GRANT PROGRAM**

THIS AGREEMENT is entered into by and between the Monroe County Board of County Commissioners for its Fire Rescue Department ("Local Government Unit") and Florida Department of Financial Services, Division of State Fire Marshal ("SFM").

WHEREAS, the U.S. Department of Homeland Security, Office of Domestic Preparedness ("ODP") has made available 2005 Domestic Preparedness Grant funds to the Florida Department of Financial Services, Division of State Fire Marshal, as the State of Florida's State Administrative Agency for Fire-Rescue under federal grant guidelines, which funds are designated to be used for planning, equipment, training, exercise and management and administrative Purchases and activities in Domestic Preparedness.

WHEREAS, the 2005 Homeland Security Grant Program ("SHSGP"), is a portion of the 2005 Domestic Preparedness Grant and provides funds to enhance the capability of State and Local Government Units to prevent, deter, respond to, and recover from incidents of terrorism.

WHEREAS, the 2005 Domestic Preparedness Grant guidelines require that, if the State disburses a portion of said grant funds to a local government unit, the State must enter into a Memorandum of Understanding with the Local Government Unit, specifying the amount of funds to be disbursed by the State for the below identified training; and

WHEREAS, the State and the Local Government Unit have utilized the State of Florida's State Homeland Security Strategies as the basis for the allocation of 2005 SHSGP funds to meet prioritized needs to enhance and refine their preparedness efforts, and have received state and federal approval for the allocation and expenditure of said funds as designated herein,

NOW THEREFORE, the parties agree to the following terms:

1. The Local Government Unit requests the State, through the Department of Financial Services, Division of State Fire Marshal, to disburse the amount of no less than \$10,830.62 (Grant Fund Amount"), as the portion of the Local Government Unit's allocation of the SHSGP portion of the 2005 Domestic Preparedness Grant.
2. The Department of Financial Services, Division of State Fire Marshal, representing the State in its administration of the 2005 SHSGP grant funds, agrees to disburse the Grant Fund Amount to the Monroe County Board of County Commissioners for its Fire Rescue Department to provide funding in the amount of no less than \$10,830.62 for training in SFM approved NFPA 1670 Operational Level training courses.
3. The Local Government Unit agrees that unless the Local Government Unit is a state agency or subdivision, the Local Government Unit shall be solely responsible to parties with whom it shall deal in carrying out the terms of this Memorandum of Understanding, and shall save the Department harmless against all claims of whatever nature by third parties arising out of the performance of work under this Memorandum of Understanding. For purposes of this Memorandum of Understanding, the Local Government Unit agrees that it is not an employee or agent of the Department, but is an independent contractor.
4. Any Local Government Unit who is a state agency or subdivision, as defined in Section 768.28, Fla. Stat., agrees to be fully responsible to the extent provided by Section 768.28 Fla. Stat. for its negligent acts or

omissions or tortuous acts which result in claims or suits against the Department, and agrees to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Local Government Unit to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

5. The Local Government Unit agrees that all notices provided under or pursuant to this Memorandum of Understanding shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the contract representative identified below at the address set forth below and said notification attached to the original of this Memorandum of Understanding.
6. The Local Government Unit shall use the funds provided to it under this Memorandum of Understanding ("the eligible training") for the purpose specified in the Florida Strategy, and specifically agrees to:
 - a) Upon notification by the SFM, the Local Government Unit shall respond to any and all incidents either within its jurisdictional boundaries or regional response area, or statewide as designated within the State Emergency Response Plan, with all appropriate equipment and support for a Type II Technical Rescue resource (Light Technical Rescue Team), for so long as the Memorandum of Understanding remains in effect, or as may be agreed upon under the Florida Strategy.
 - b) Submit all appropriate reimbursement requests by May 1, 2006.
7. This Memorandum of Understanding is effective upon its execution by the parties and may be modified only in writing with execution by both parties. This Agreement terminates on June 30, 2006, or earlier a) as otherwise stated herein, b) as agreed to by the parties, or c) as otherwise required by law or by state or federal guidelines.
8. This Memorandum of Understanding contains all the terms and conditions agreed upon by the parties.

Name and address for the Department contract managers for this Memorandum of Understanding is:

Contract/Financial Activities:

John J. DeIorio, II – CFO, EFO, MIFireE
Division of State Fire Marshal
Bureau of Fire Standards and Training
11655 NW Gainesville Road
Ocala, Florida 34482-1486
Email: john.deiorio@fldfs.com

Programmatic Activities:

Dave A. Casey, Bureau Chief
Division of State Fire Marshal
Bureau of Fire Standards and Training
11655 NW Gainesville Road
Ocala, Florida 34482-1486
Email: dave.casey@fldfs.com

The name and address of the representative of the Local Government Unit responsible for the administration of this Memorandum of Understanding is:

Name and Title: Clark O. Martin, Jr., Fire Chief for Monroe Co. Fire Rescue
Address: 490 63rd Street, Suite 141
City/State/Zip: Marathon, FL 33050
Phone Number: (305) 289-6004
Email: martin-clark@monroecounty-fl.gov

The parties agree to comply with state and federal guidelines in the allocation, expenditure and reporting of the use of the Grant Fund Amount.

WHEREFORE, the parties hereto have caused this Memorandum of Understanding to be executed by their undersigned officials as duly authorized.

LOCAL GOVERNMENT UNIT

DEPARTMENT OF FINANCIAL SERVICES

MONROE COUNTY BOCC

DIVISION OF STATE FIRE MARSHAL

Name of Agency

Name of Agency

Signature of Agency Official

Signature of Agency Official

Mayor Charles "Sonny" McCoy

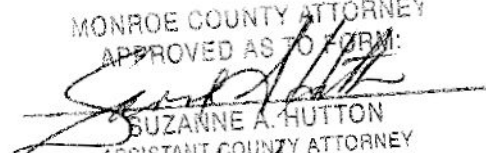
Lisa Miller, Chief of Staff, Dept. of Financial Services

Printed Name of Agency Official

Printed Name of Agency Official

Date

Date

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 12/12/03